1: Gillin E-5 (1932-33) 1933 SR9 Carib SR9

assembly, nor is any individual endowed with the authority to make regulations for the other members of the group. The Indians are, of course, without writing. And, as might perhaps be expected under such conditions, there is also an absence of what might be called courts or judges. How, then, are the legal and judicial functions, which we have just mentioned as being necessary for group life, performed? Let us look for a moment more closely at the social organization in an effort to throw more light on the question.

The factors of tribal unity are territory, language and certain culture traits which are held in common, but are distinct from those of other tribes. Within itself, however, the tribe as such has no political functions and little social importance. The political unit is the settlement, a group varying in size from fifteen to fifty individuals who live and cultivate fields in the same immediate vicinity. These groups are located at wide intervals, usually in the jungle back from the river, and contact between them is consequently not close. Over each settlement is a headman whose authority, however, is decidedly limited and without sanctions. The headman is generally chosen by acclaim for life, or for the term of the existence of the settlement, by the adult men of the group. Several factors enter into his choice: his personality, his economic power, his physical strength. Occasionally a son or other relative of a former headman may be chosen, although such a relationship is by no means the deciding factor. In so far as the headman's personality carries weight, his opinions are respected and in that sense might be construed as part of the law, but few sanctions pertain to him which are not included among the prerogatives of the other members of the group as well. In other words, the headman has no special power to enforce his orders, and in case they are violated, punishment of the offender follows the lines laid down for all personal offenses.

As has been already stated, there is no constituted law-making body or legislative council. It is true, of course, that the adult men of the settlement do consult together on a great range of matters, but these consultations usually take the form of individual exchanges of opinion, much as gossip and conversation take place among ourselves. The only occasion on which all the men of the settlement are likely to be together is during one of the

1: Gillin E-5 (1932-33)1936 SR9 Carib SR9

626 periodic drinking bouts or sprees, which are sociable rather than
623 legislative gatherings. On these occasions opinions are naturally exchanged, but such interchange can no more be considered legislative enactment than the informal airing of views which takes place in our own society among men, for instance, at a dinner party, smoker, or farmers' picnic. In short, there is no organization for debate or for the determination of the group will and, naturally, no provision for the codification of law.

671 The law of this society, in other words, is customary and tradi-
626 tional law. It is doubtless subject to change, as in the long run are all social phenomena. But, as one would expect *a priori*, and also on the basis of information obtained from older informants, I believe that such change is unconscious and probably much slower
[867] than is the case with most codified legal systems. A Carib child is brought up to know what is considered right and what is considered wrong. By the time he reaches adulthood he knows what his rights and obligations are in any situation within his culture. What we are here calling the principles of law and justice are, consequently, as integral parts of everyday life to a Carib as, for instance, the necessary functions of his body. Such an unconscious assimilation of the law is workable among these people because the simplicity of the society limits the number of possible situations in which an individual would be called upon to exercise his knowledge of legal rights and duties. In a more complex social organization, on the other hand, the ramifications of relationships would seemingly demand a greater specialization in legal and juridical matters than is necessary here. Because everyone is well informed regarding the customary and traditional rules of conduct, the Caribs have little need for self-conscious law-making.

The distinctions between public and private offenses, between criminal and civil law, which play so large a part in the legal concepts of the higher cultures, have little importance among the Caribs. A distinction is present, in the native consciousness, however, between what we may call social and religious offenses, between offenses against human beings and offenses against spiritual powers. It is one thing to trespass on the rights of a fellow man and another thing to transgress a religious tabu. Breaking of a tabu is automatically punished only by the spiritual powers concerned, whereas the punishment of an offense against a human